IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

CRL.A.No. 734 of 2000(D)

CC.515/1997 OF JUDL.MAGISTRATE OF FIRST CLASS-I, HOSDRUG
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APPELLANT/COMPLAINANT:

K. IBRAHIM, S/O. LATE KALLATRA ABDUL KHADER HAJI,
KALLATRA WOOD INDUSTRIES, KOTTACHERY,
HOSDURG TALUK, KASARAGOD (DT.).

BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR.

RESPONDENTS:
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1. **ASHRAF TIMBER TRADERS,**
   REPRESENTED BY ITS PROPRIETOR,
   P.U. ASHRAF, GANDHI NAGAR,
   MOORNAD, P.O. MOORNAD,
   KODAGU DISTRICT,
   KARNATAKA STATE.

2. **P.U. ASHRAF, S/O. P.N.U. HASSAN,**
   PROPRIETOR, ASHRAF TIMBER TRADERS,
   GANDHI NAGAR, MOORNAD,
   P.O. MOORNAD, KODAGU DISTRICT,
   KARNATAKA STATE.

3. **STATE OF KERALA, REPRESENTED BY**
   GOVERNMENT PLEADER, HIGH COURT OF KERALA,
   ERNAKULAM.

BY ADV. SRI.R.PARTHASARATHY,
SMT.S.LAKSHMY,
PUBLIC PROSCUTOR SRI. AMJAD ALI.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 22/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

Crl. A. No.734 of 2000

Dated 22nd June, 2007

JUDGMENT

The appellant is the complainant in C.C.515/1997, the proceedings initiated under section 138 N.I Act which happened to be dismissed as he could not appear before the court below and the accused stands acquitted under section 256(1) Cr.P.C. It is submitted that the petitioner was conducting business in the Middle East in connection with his business and hence could not appear before the court on the relevant date.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner to further proceed with the matter. The revision petitioner shall appear before the JFCM-I, Hosdurg on 30-7-2007. The court below shall issue fresh summons to the accused.

The Crl.A is allowed.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.A. 734/2000

JUDGMENT

22-6-2007.